

**CULLMAN CITY COUNCIL MEETING  
MONDAY, JULY 24, 2023, AT 7:00 P.M.  
IN THE LUCILLE N. GALIN AUDITORIUM**

Council President Jenny Folsom called the Cullman City Council Meeting to order at 7:02 p.m. on Monday, July 24, 2023. Police Chief David Nassetta led the Pledge of Allegiance and presented the invocation.

A roll call by City Clerk Wesley Moore reflected the following: Present - Council President Jenny Folsom, Council President Pro Tem Johnny Cook, Council Member David Moss, Council Member Brad Smith, and Council Member Clint Hollingsworth. Also present were Mayor Woody Jacobs, City Attorney Roy Williams, and City Clerk Wesley Moore.

Council President Jenny Folsom asked the Council to consider the minutes from July 7 and July 17, 2023. Council President Pro Tem Cook made a motion to suspend the rules to consider the minutes. Council Member Smith seconded the motion to suspend the rules, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council President Pro Tem Cook, Council President Folsom: Aye. Council Member Moss: Aye. Council Member Brad Smith: Aye. Council Member Hollingsworth: Aye. Council President Pro Tem Cook made a motion to approve the minutes from July 7 and July 17, 2023, as written. Council Member Moss seconded the motion to approve the minutes, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council President Pro Tem Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Brad Smith: Aye. Council Member Hollingsworth: Aye.

**ADDITIONS/DELETIONS TO AGENDA** – None.

**REPORTS OF STANDING COMMITTEES**

1. Public Safety (Fire, Police, etc.) – Chairman Brad Smith thanked the fire and police responders that worked during the Rock the South event.
2. Utilities (Water, Sewer, etc.) - Chairman David Moss - No report.
3. Public Works (Street, Sanitation, etc.) - Chairman Johnny Cook reported that our Sanitation Department did a great job handling all the trash generated by Rock the South.
4. Tourism (Parks & Recreation, Airport, etc.) Chairman Clint Hollingsworth shared this Rock the South was the largest yet. CPRST Director Nathan Anderson reported on the status of the new civic center, that a contractor has been awarded the project and work should begin soon. Having postponed the project for one year, reduced the cost of building the civic center by over \$20 million dollars.
5. General Government (Finance, Economic Development, etc.) - Chairwoman Jenny Folsom gave the third quarter financial report.

**REPORT FROM THE MAYOR**

Mayor Jacobs gave a report to the council regarding the city's operations.

**COMMENTS FROM ANYONE NOT ON THE AGENDA** - None.

**PUBLIC HEARINGS** - None.

**REQUESTS, PETITIONS, APPLICATIONS, COMPLAINTS** - None.

Council President Pro Tem Cook made a motion to approve a request from La Patrona Mexican Restaurant, of 710 2nd Ave NW, for a restaurant retail liquor license which received a favorable recommendation from the Alcohol Review Committee. Council Member Moss seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

**RESOLUTIONS, ORDINANCES, ORDERS, AND OTHER BUSINESS**

Council Member Smith made a motion to adopt the following resolution:

**RESOLUTION NO. 2023 – 53  
Adopting Transportation Plan Pursuant to the Rebuild Alabama Act**

**WHEREAS**, the Alabama legislature in Act. No. 2019-2 adopted the Rebuild Alabama Act;

**WHEREAS**, the Rebuild Alabama Act provides for an allocation among the municipalities of the state on the basis of the ratio of population of each municipality to the total population of all municipalities of the state a portion of the additional taxes levied under the Act to be used for transportation infrastructure, improvement, preservation and maintenance;

**WHEREAS**, the Act provides that the municipal governing body of the City of Cullman, Alabama, shall adopt an annual Transportation Plan, no later than August 31, which shall provide a detailed list of projects for which expenditures are intended to be made in the next fiscal year and shall be based upon an estimate of the revenues anticipated from the fund in which the additional revenue is deposited during the next fiscal year; and

**WHEREAS**, the Act further provides that any such funds shall be used only for the maintenance, improvement, replacement, and construction of roads and bridges maintained by the City of Cullman, Alabama, and such other uses as are defined in the Act.

**NOW, THEREFORE, BE IT RESOLVED, by** the City Council of Cullman, Alabama, as follows:

1. The City Council of Cullman, Alabama, hereby passes this Resolution as its Transportation Plan submitted in compliance with the Rebuild Act, Act No. 2019-2.
2. Pursuant to the Act, the City Council of Cullman, Alabama, estimates that its anticipated allocation from the Rebuild Alabama Act fund for the first fiscal year will be approximately \$112,328.51, with increasing allocations for each fiscal year thereafter.
3. Pursuant to the Act, the City anticipates expending funds received pursuant to the Act, in part or in whole, to fund any of the following listed projects:
  - 4<sup>th</sup> Avenue SE
  - East Hanceville Road SE
  - Arnold Street NW
4. The City Clerk is hereby authorized and instructed to post a copy of this Resolution as its Transportation Plan in a conspicuous place at the County Courthouse, the County Commission Office, the County Highway Department, the Cullman City Street Department Office, the Cullman City Hall, and on the website of the City of Cullman, Alabama.
5. The City Clerk is hereby authorized and directed to establish a separate fund maintained by the City of Cullman, Alabama, for receipt and deposit of funds received pursuant to the Act, the proceeds of which shall be expended solely for the maintenance, improvement, replacement and construction of roads and bridges maintained by the City and such other uses as are authorized by the Act.

ADOPTED BY THE CITY COUNCIL this the 24<sup>th</sup> day of July, 2023.

/s/ Jenny Folsom, President of the  
City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 24th day of July, 2023.

/s/Mayor Woody Jacobs

Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All.  
Nays: None.

Council President Pro Tem Cook made a motion to adopt the following resolution:

**RESOLUTION NO. 2023 – 54**  
**TO AWARD BID FOR THE CONSTRUCTION OF THE CULLMAN CIVIC CENTER**

WHEREAS, bids were opened on July 13, 2023, at 2:00 p.m. in the Lucille N. Galin auditorium at Cullman City Hall for the construction of the new Cullman Civic Center;

WHEREAS, the Cullman City Council has evaluated the bids received and has determined that Jim Cooper Construction Company, Inc. is the lowest responsible bidder with a base bid of \$18,200,000 and alternates 1 through 10 of \$1,383,687 for a total bid of \$19,583,687 for the construction of the new Cullman Civic Center;

BE IT RESOLVED by the Cullman City Council that the bid for the construction of the new Cullman Civic Center be hereby awarded to the lowest responsible bidder, Jim Cooper Construction Company, Inc.

ADOPTED BY THE CITY COUNCIL this the 24<sup>th</sup> day of July, 2023.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 24<sup>th</sup> day of July, 2023.

/s/Mayor Woody Jacobs

Council Member Moss seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Smith made a motion to adopt the following resolution:

**RESOLUTION NO. 2023 – 55**  
**FOR THE NON-RENEWAL OF THE CONTRACT WITH ROCK THE SOUTH**

WHEREAS, the agreement with Rock the South, LLC and the City of Cullman is set to expire this year;

WHEREAS, the Cullman City Council passed Ordinance No. 2023-02 related to special events in the City of Cullman;

WHEREAS, there is no longer a need for the current contractual agreement between Rock the South, LLC and the City of Cullman;

BE IT RESOLVED by the Cullman City Council that the Mayor will not renew the current contract with Rock the South, LLC and allow the contract to expire.

ADOPTED BY THE CITY COUNCIL, this the 24<sup>th</sup> day of July, 2023.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 24<sup>th</sup> day of July, 2023.

/s/Mayor Woody Jacobs

Council Member Moss seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Moss made a motion to adopt the following resolution:

**RESOLUTION NO. 2023 – 56**

**BE IT RESOLVED** by the City Council (the "Council") of the **CITY OF CULLMAN, ALABAMA**, a municipal corporation under the laws of the State of Alabama (the "City"), as follows:

**Section 1. Findings.** The Council has ascertained and does hereby find and declare as follows:

(a) there presently exists a landfill for the processing and disposal of solid waste (the "Facility") and certain related real property adjacent thereto (the "Expansion Land") aggregating approximately 311 acres and located at 2885 AL Highway 69 South, Cullman, Alabama 35057, all of which is located in unincorporated Cullman County, outside the corporate limits of any municipality within the state; and

(b) the Facility is the primary solid waste disposal site for the City, as well as Cullman County, Alabama (the "County"), and it is in the public interest that the Facility be operated, maintained, and expanded over the near and distant future to ensure a reliable location for the solid waste disposal needs of the City and its citizens, and to safeguard the overall and long-term quality of life of citizens of the City; and

(c) the Facility is presently owned and operated by Cullman Environmental, Inc., an Alabama corporation (the "Company"), which has indicated it no longer desires to own or operate the Facility and has proposed selling the same; and

(d) it would be in the public interest if the Facility is acquired and operated by a public corporation organized as a solid waste disposal authority (the "SWDA") under Section 11-89A-1, *et seq.*, of the Code of Alabama 1975, as amended, created jointly by the City and the County, and governed by a five-member board of directors appointed jointly by the City and the County (with the City Council appointing two of the directors, the Cullman County Commission appointing two of the directors, and the directors appointed by the City and the County appointing one of the directors), all as more particularly described in the Memorandum of Understanding hereinafter authorized and described; and

(e) the Company holds an option to purchase the Expansion Land for the sum of \$1,300,000, which such option expires on July 29, 2023, and the City believes that causing the Expansion Land to be conveyed to the SWDA along with the Facility would enhance and promote the long-term operations of the Facility by extending significantly the overall life and utility of the Facility; and

(f) the Company has proposed to transfer the Facility, and to acquire and transfer the Expansion Land, to the SWDA through the SWDA's purchase of all shares of the Company by September 30, 2023, at and for a price equal to \$27,100,000, of which amount the City will pay \$13,550,000 and the County will pay \$13,550,000; and

(g) it will be necessary that the City and the County memorialize their mutual understandings and intentions respecting the creation of the SWDA, the financing of the purchase price for the transfer of the Facility and the Expansion Land to the SWDA, the operation of the Facility by the SWDA, and various other matters related to the foregoing by entering the Memorandum of Understanding.

**Section 2. Transfer of the Facility and Expansion Land; Approval of Memorandum of Understanding.** (a) The Council does hereby declare that it is necessary, wise, and in the public interest to pursue the creation of the SWDA and the transfer thereto of the Facility and Expansion Land as hereinabove described. The Council does hereby authorize and approve a Memorandum of Understanding between the City and the County, the form of which is attached as Exhibit I hereto (the "Memorandum of Understanding"), and the Mayor is hereby authorized and directed to execute and deliver the Memorandum of Understanding on behalf of the City.

(b) The Mayor, the City Clerk, and such other officers, agents or representatives of the City are hereby authorized and directed to take such actions as shall be described in the Memorandum of Understanding or as otherwise are provided for or contemplated by this resolution, respecting the creation of the SWDA, the transfer of the Facility and the Expansion Land from the Company to the SWDA, and the operation of such facilities and assets.

ADOPTED BY THE CITY COUNCIL, this the 24<sup>th</sup> day of July, 2023.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 24th day of July, 2023.

/s/Mayor Woody Jacobs

Council Member Smith seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Moss made a motion to adopt the following resolution:

**RESOLUTION NO. 2023 – 57**  
**A RESOLUTION TO APPROVE AN APPLICATION FOR**  
**AND TO AUTHORIZE THE FORMATION OF**  
**THE SOLID WASTE DISPOSAL AUTHORITY**  
**OF THE CITY AND COUNTY OF CULLMAN, ALABAMA**  
**AND TO APPOINT**  
**MEMBERS OF THE BOARD OF DIRECTORS**  
**OF THE SAID AUTHORITY**

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**BE IT RESOLVED** by the Mayor and City Council (the "Council") of the City of Cullman, Alabama (the "City") as follows:

**ARTICLE 1**  
**Certain Defined Terms**

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For purposes hereof:

**Applicants** means collectively the natural persons signatory to the Application.

**Application** means the Application filed with the City pursuant to the Authorizing Act for formation of the Authority in form and of content as attached hereto as Appendix A.

**Authority** means The Solid Waste Disposal Authority of the City and County of Cullman, Alabama, proposed to be formed as a public corporation pursuant to the Authorizing Act.

**Authorizing Act** means Chapter 89A of Title 11 of the Code of Alabama 1975, as amended.

**Certificate of Incorporation** means the proposed Certificate of Incorporation of the Authority in form and of content as attached to the Application.

**ARTICLE 2**  
**Representations**

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The Council, upon evidence duly presented to and considered by it, has found and determined, and does hereby find, determine and declare as follows:

- (a) The Applicants are natural persons each of whom is over the age of 21 years and is a duly qualified elector of the City.
- (b) The Application has been duly executed by the Applicants and properly filed with the Council as provided by the Authorizing Act.
- (c) The Certificate of Incorporation is attached to the Application.
- (d) The Council has reviewed the contents of the Application and the Certificate of Incorporation.
- (e) The Council has determined, and declares, that it is wise, expedient and necessary that the Authority be formed as a public corporation pursuant to the Authorizing Act.

**ARTICLE 3**  
**Approval; Authorization; and Ratification**

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- (a) The Council hereby approves the form and content of the Certificate of Incorporation.
- (b) The Council authorizes the Applicants to proceed to form the Authority by the filing for record of the Certificate of Incorporation in accordance with the Authorizing Act including, without limitation, Section 11-89A-4 thereof.
- (c) The Council ratifies and confirms all prior action taken, and all certificates, documents, petitions, proceedings and public notices delivered, by or on behalf of the Council or the City in furtherance of the transactions herein authorized.

**ARTICLE 4**  
**Appointment of Directors by City**

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The Council does hereby elect and appoint the following named persons as directors of the Authority, for the term of office ending on the date set opposite the name thereof or on such date as the respective successor thereof is elected and qualified:

<b>Place</b>	<b>Name</b>	<b>Year of End of Term</b>
Two	John W. Cook	2025
Four	Woody Jacobs	2027

**ARTICLE 5**  
**Effect of Resolution**

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The Council authorizes this Resolution to take effect immediately and repeals any provision of any resolution, order, ordinance, or proceeding of the City to the extent of any conflict or inconsistency thereof with the provisions of this Resolution.

Adopted and approved this 24<sup>th</sup> day of July, 2023.

/s/ Jenny Folsom  
President of City Council  
City of Cullman

Adopted and approved this 24<sup>th</sup> day of July, 2023.

/s/ Woody Jacobs  
Mayor  
City of Cullman

**Appendix A**  
**Application**

**APPLICATION FOR AUTHORITY TO INCORPORATE  
A SOLID WASTE DISPOSAL AUTHORITY**

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**JULY 17, 2023**

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TO THE GOVERNING BODIES OF CULLMAN COUNTY, ALABAMA, AND THE CITY OF CULLMAN, ALABAMA:

We, the undersigned natural persons, each of whom is over the age of 21 years, make application to form a solid waste disposal authority pursuant to Chapter 89A of Title 11 of the Code of Alabama 1975 (the “Enabling Law”) and file this Application:

1. This application is filed with the governing body of:
  - (a) Cullman County, Alabama; and
  - (b) the City of Cullman, Alabama.
2. The applicants propose to incorporate an authority pursuant to the provisions of the Enabling Law.
3. The proposed location of the principal office of the authority (and its post office address) shall be:

2805 Alabama Highway 69 South  
Cullman, Alabama 35057

4. Each of the applicants is a duly qualified elector of Cullman County, Alabama or the City of Cullman, Alabama.
5. The proposed certificate of incorporation of the authority is attached hereto as Appendix I and by this reference thereto is incorporated into, and made a part of, this application.
5. The applicants request that the governing body of Cullman County, Alabama, and the governing body of the City of Cullman, Alabama, each adopt a resolution declaring that it is wise, expedient, and necessary that the proposed authority be formed, approving its certificate of incorporation and authorizing the applicants to proceed to form the proposed authority by the filing for record of a certificate of incorporation in accordance with the provisions of Section 11-89A-4 of the Enabling Law.

IN WITNESS WHEREOF, each of the undersigned have executed this Application, under seal, on and as of the date and year first above written.

/s/ Woody Jacobs

Name: Woody Jacobs



/s/ John W. Cook  
Name: John W. Cook

/s/ Clarence J. Clemons  
Name: Clarence J. Clemons

/s/ Corey N. Freeman  
Name: Corey N. Freeman

**APPENDIX I**  
**Proposed Certificate of Incorporation**

**CERTIFICATE OF INCORPORATION**  
**OF**  
**THE SOLID WASTE DISPOSAL AUTHORITY OF**  
**THE CITY AND COUNTY OF CULLMAN, ALABAMA**

\_\_\_\_\_, 2023

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, in order to form a public corporation as a solid waste disposal authority pursuant to the provisions of Chapter 89A of Title 11 of the Code of Alabama 1975, do hereby file for record this certificate of incorporation on the date and year first above written:

**ARTICLE ONE**  
**DEFINITIONS**

For purposes hereof:

**Authority** means The Solid Waste Disposal Authority of the City and County of Cullman, Alabama.

**Bylaws** means the Bylaws of the Authority as at any time in effect.

**City** means the City of Cullman, Alabama.

**County** means the County of Cullman, Alabama.

**Determining Subdivisions** means collectively the City and the County.

**Enabling Law** means Chapter 89A of Title 11 of the Code of Alabama 1975.

**ARTICLE TWO**

**INCORPORATORS**

The names of the undersigned persons forming the Authority, each of whom is over the age of 21 years and is a duly qualified elector of the County, are set forth under the respective signatures thereof on this Certificate of Incorporation.

**ARTICLE THREE  
NAME OF AUTHORITY**

The name of the Authority shall be “The Solid Waste Disposal Authority of the City and County of Cullman, Alabama.”

A certificate by the Secretary of State of the State of Alabama stating that the name proposed for the Authority is not identical to that of any other corporation organized under the laws of the State of Alabama or so nearly similar thereto as to lead to confusion and uncertainty is attached hereto as Exhibit A and made a part hereof.

**ARTICLE FOUR  
DURATION**

The period for the duration of the Authority shall be perpetual, subject to the provisions of the Enabling Law.

**ARTICLE FIVE  
DETERMINING SUBDIVISIONS**

The determining subdivisions are the City and the County.

On July 18, 2023, the governing body of the County adopted a resolution and order approving and authorizing the incorporation of the Authority in accordance with the Enabling Law, a certified copy of which is attached hereto as Exhibit B and made a part hereof.

On July 24, 2023, the governing body of the City adopted a resolution approving and authorizing the incorporation of the Authority in accordance with the Enabling Law, a certified copy of which is attached hereto as Exhibit C and made a part hereof.

**ARTICLE SIX  
PRINCIPAL OFFICE**

The location of the principal office of the Authority (and its post office address) shall be:

2805 Alabama Highway 69 South  
Cullman, Alabama 35057

**ARTICLE SEVEN  
ENABLING LAW**

The Authority is organized pursuant to the Enabling Law.

**ARTICLE EIGHT  
POWERS**

The Authority shall have and may exercise all authority and powers conferred on corporations of like nature by the Enabling Law and all other powers conferred upon corporations generally by the laws of Alabama not in conflict with the Enabling Law, provided the exercise of any of such powers may be subject to the prior approval by resolution of each of the Determining Subdivisions as provided in the Bylaws.

**ARTICLE NINE  
BOARD OF DIRECTORS**

The Authority shall be governed, and all powers of the Authority shall be exercised, by a board of directors or pursuant to its authorization.

The Determining Subdivisions must appoint or elect not less than a majority of the members of the board of directors of the Authority.

The board of directors of the Authority shall consist of a total number of five (5) persons, each of whom shall be assigned a specific numbered place on the board of directors and shall be appointed for the term applicable to such place, subject to the operation of the Enabling Law with respect to the officers of the Determining Subdivisions, as follows:

1. The Director for Place One shall be appointed by the governing body of the County for an initial term of two (2) years, and each successor thereof for a term of six (6) years.
2. The Director for Place Two shall be appointed by the governing body of the City for an initial term of two (2) years, and each successor thereof for a term of six (6) years.
3. The Director for Place Three shall be appointed by the governing body of the County for an initial term of four (4) years, and each successor thereof for a term of six (6) years.
4. The Director for Place Four shall be appointed by the governing body of the City for an initial term of four (4) years, and each successor thereof for a term of six (6) years.
5. The Director for Place Five shall be appointed by the Directors holding Place One, Place Two, Place Three and Place Four for an initial term of six (6) years and each successor thereof for a term of six (6) years.

Any officer of the City, and any officer of the County, may serve as a member of the board of directors until the first to expire of the term applicable to the place on the board of directors to which such officer is appointed or the tenure of such officer.

**ARTICLE TEN  
TITLE TO PROPERTY UPON DISSOLUTION**

Upon dissolution of the Authority as provided by the Enabling Law, title to all property (real, personal and mixed) of the Authority shall pass to and be vested in the Determining Subdivisions as tenants in common.

**ARTICLE ELEVEN  
BYLAWS**

The Authority may adopt and amend the Bylaws from time to time pursuant to the Enabling Law and with the prior approval by resolution of each of the Determining Subdivisions.

**ARTICLE TWELVE  
NONPROFIT CORPORATION**

The Authority shall be a nonprofit corporation and no part of the net earnings thereof remaining after payment of its expenses shall inure to the benefit of any individual, firm or corporation, or any other governmental entity or nongovernmental entity (whether or not organized for profit); provided, the Authority may distribute the net earnings thereof to the Determining Subdivisions as provided in the Enabling Law and the Bylaws.

IN WITNESS WHEREOF, each of the undersigned incorporators has signed this certificate of incorporation on the date and year of the respective acknowledgement thereof.

/s/ Woody Jacobs  
Name: Woody Jacobs

/s/ John W. Cook  
Name: John W. Cook

/s/ Clarence J. Clemons  
Name: Clarence J. Clemons

/s/ Corey N. Freeman  
Name: Corey N. Freeman

ADOPTED BY THE CITY COUNCIL, this the 24<sup>th</sup> day of July, 2023.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 24th day of July, 2023.

/s/Mayor Woody Jacobs

Council Member Smith seconded the motion, and the motion was approved by a voice vote. Abstained: Council President Pro Tem Cook. Ayes: All. Nays: None.

Council President Pro Tem Cook made a motion to adopt the following resolution:

**RESOLUTION NO. 2023 – 58**

**BE IT RESOLVED** by the City Council (the "Council") of the **CITY OF CULLMAN, ALABAMA**, a municipal corporation under the laws of the State of Alabama (the "City"), as follows:

**Section 1. Findings.** The Council has ascertained and does hereby find and declare as follows:

(a) there presently exists a landfill for the processing and disposal of solid waste (the "Facility") and certain related real property (the "Expansion Land") aggregating approximately 311 acres and located at 2885 AL Highway 69 South, Cullman, Alabama 35057, all of which is located in unincorporated Cullman County, outside the corporate limits of any municipality within the state; and

(b) the Facility is the primary solid waste disposal site for the City, as well as Cullman County, Alabama (the "County"), and it is in the public interest that the Facility be operated, maintained and expanded over the near and distant future to ensure a reliable location for the solid waste disposal needs of the City and its citizens and to safeguard the overall quality of life in the City; and

(c) the Facility is presently owned and operated by Cullman Environmental, Inc., an Alabama corporation (the "Company"), which has indicated it no longer desires to own or operate the Facility and has proposed selling the same; and

(d) it would be in the public interest for the Facility to be acquired and operated by a public corporation organized as a solid waste disposal authority (the "SWDA") under Section 11-89A-1, *et seq.*, of the Code of Alabama 1975, as amended, created jointly by the City and the County and governed by a five-member board of directors appointed jointly by the City and the County (with the City Council appointing two of the directors, the Cullman County Commission appointing two of the directors, and the directors appointed by the City and the County appointing one of the directors), all as more particularly described in the Memorandum of Understanding hereinafter authorized and described; and

(e) the Company holds an option to purchase the Expansion Land for the sum of \$1,300,000, which option expires on July 29, 2023, and the City believes that causing the Expansion Land to be conveyed to the SWDA along with the Facility would enhance and promote the long-term operations of the Facility by extending significantly the overall life and utility of the Facility; and

(f) the Company has proposed to transfer the Facility, and to acquire and transfer the Expansion Land, to the SWDA through the SWDA's purchase of all shares of the Company by September 30, 2023, at and for a price equal to \$27,100,000, of which amount the City will pay \$13,550,000 and the County will pay \$13,550,000; and

(g) it will be necessary that the City issue one or more series of general obligation warrants secured by a pledge of the full faith and credit of the City and aggregating approximately \$14,000,000 in principal amount (the "Series 2023 Warrants") in order to provide the City portion (*i.e.*, \$13,550,000) of funds for the purchase and acquisition of the Facility and the Expansion Land, and to pay the costs of issuing the Series 2023 Warrants; and

(h) the City has determined to engage The Frazer Lanier Company Incorporated ("Frazer Lanier") to serve as underwriter, and Bradley Arant Boulton Cummings, LLP ("Bradley Arant") to serve as bond counsel to the City, for the Series 2023 Warrants; and

(i) it will be necessary for the City to enter an agreement (the "Purchase Agreement") with Frazer Lanier respecting the sale by the City to Frazer Lanier of the Series 2023 Warrants prior to the date on which the issuance and delivery of the Series 2023 Warrants will be approved by the Council; and

(j) the City expects to incur certain costs to be paid out of its General Fund (the main operating fund of the City) to pay a portion of the price of causing the transfer of the Facility and the Expansion Land, and it is intended that proceeds of the Series 2023 Warrants be allocated to reimburse the City for certain of the costs incurred in connection with the said transfer of the Facility and the Expansion Land paid prior to the issuance of the Series 2023 Warrants.

**Section 3. Engagement of Frazer Lanier and Bradley Arant; Authorization to Execute Purchase Agreement.** The Council does hereby approve the engagement of Frazer Lanier, as underwriter, and Bradley Arant, as bond counsel to the City, respecting the Series 2023 Warrants, and does hereby further authorize and direct the Mayor of the City to execute the Purchase Agreement between the City and Frazer Lanier with respect to the sale and delivery by the City of the Series 2023 Warrants. The final form of the Purchase Agreement shall be subject to ratification and approval by the Council following its execution by the Mayor at such time as the Council adopts an ordinance authorizing the issuance and delivery of the Series 2023 Warrants. The Mayor is hereby authorized and directed to execute and deliver on behalf of the City such agreements, instruments, and documents as shall be necessary or desirable to evidence the engagement of Frazer Lanier, as underwriter, and Bradley Arant, as bond counsel to the City, respecting the Series 2023 Warrants.

Frazer Lanier and Bradley Arant are hereby authorized to work with officers of the City in preparing the documents and other materials necessary for the sale and authorization of the Series 2023 Warrants.

**Section 4. Declaration of Official Intent.** The City does hereby declare its intention that there be allocated a portion of the proceeds of the Series 2023 Warrants to reimburse the City for expenditures incurred after the date that is no more than sixty (60) days prior to the date of the adoption of this resolution, but prior to the issuance of the Series 2023 Warrants, in connection with the acquisition and transfer of the Facility and the Expansion Land as aforesaid. This resolution is being adopted pursuant to the requirements of the Internal Revenue Code of 1986, as amended, and Treasury Regulations Section 1.150-2(e) promulgated thereunder.

ADOPTED BY THE CITY COUNCIL, this the 24<sup>th</sup> day of July, 2023.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 24<sup>th</sup> day of July, 2023.

/s/Mayor Woody Jacobs

Council Member Moss seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council President Pro Tem Cook made a motion to adopt the following resolution:

**RESOLUTION NO. 2023 – 59**  
**AUTHORIZING THE EXPENDITURE OF FUNDS**  
**PURSUANT TO THE MOU TO BE ENTERED INTO WITH THE COUNTY**

**BE IT RESOLVED**, by the City Council (the Council) of the City of Cullman, Alabama as follows:

**Section I:** Findings. The Council has ascertained and does hereby find and declare as follows:

- a.) The City of Cullman has authorized a MOU with the Cullman County, Alabama whereas they are creating a Solid Waste Disposal Authority (SWDA) to purchase an existing landfill and adjoining land.
- b.) The Agreement requires the SWDA must deposit with closing agent the sum of One Million Three Hundred Thousand and No/100 Dollars (\$1,300,000.00) on or before July 22, 2023 for the adjoining property to be included in the landfill purchase.
- c.) The MOU requires the City of Cullman, Alabama to provide one-half of said escrow being Six Hundred Fifty Thousand and No/100 Dollars (\$650,000.00).

**Section II:** The City Council for the City of Cullman, Alabama authorizes the Mayor to advance the escrow funds pursuant to the MOU in trust to the closing attorney for said expansion property.

ADOPTED BY THE CITY COUNCIL, this the 24<sup>th</sup> day of July, 2023.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 24<sup>th</sup> day of July, 2023.

/s/Mayor Woody Jacobs

Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Hollingsworth made a motion to adopt the following resolution:

**CITY OF CULLMAN  
RESOLUTION NO. 2023 – 60**

**WHEREAS**, the Alabama Community Development Block Grant Program has been established to assist local governments in meeting community development and housing needs consistent with the objectives as set forth in Title I of the Housing and Community Development Act of 1974, as amended; and

**WHEREAS**, City of Cullman, acting by and through its City Council proposes to apply for Community Development Block Grant Funds to implement a Neighborhood Improvement Project on Logan Street SW.

**THEREFORE**, be it resolved by the City Council of Cullman, Alabama, as follow:

**WOODY JACOBS, MAYOR**, is hereby authorized to execute and submit an application with appropriate assurances to the State of Alabama, Department of Economic and Community Affairs, requesting Fiscal Year 2023 Community Development Block Grant funds in the amount of **\$500,000.00** to implement a Neighborhood Improvement Project on Logan Street.

**THAT, THE CITY OF CULLMAN** will provide a local cash match of at least **\$105,480.89** in support of this project and the City of Cullman will provide all labor and equipment required to construct the above referenced project outside of the scope of the project.

**ADOPTED AND APPROVED** by the Cullman City Council, on this the 24th day of July 2023.

**SIGNED FOR THE CULLMAN CITY COUNCIL:**

By: /s/Woody Jacobs, Mayor

**Attest:**

/s/Wesley M. Moore, City Clerk

Council Member Smith seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None

Council President Jenny Folsom held the second reading of Ordinance No. 2023-26 to rezone the Nearen Property located on Highway 278W from E-1 Entertainment District to B-3 Business District, which received a favorable recommendation from the Planning Commission. Council President Pro Tem Cook made a motion to adopt Ordinance No. 2023-26.

**ORDINANCE NO. 2023 - 26**

**AMENDING THE CURRENT ZONING ORDINANCE AND ZONING MAP OF THE CITY OF CULLMAN, ALABAMA,  
TO RE-ZONE CERTAIN PARCELS OF PROPERTY AS SET FORTH HEREIN**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA, AS FOLLOWS:

SECTION 1. Under the authority of Chapter 52, Articles 1 through 4, Section 11-52-1 through Section 11-52-84, Code of Alabama 1975, as amended, and specifically Sections 11-52-77 and at the request of property owner, the petitioner, the following describe the tract or parcel of land, to-wit:

Property Owner: James W Nearen, Jr. & Judith Carole Nearen Ross Children's Irrevocable Trust  
PPIN: 16078. Parcel No.: 17-04-17-1-001-002.000.  
Property Address: Hwy 278 West.

Legal Description: A parcel of land lying in the east half of the southwest  $\frac{1}{4}$  of the northeast  $\frac{1}{4}$  of section 17, Township 10 South, Range 3 West, Cullman County, Alabama, and being more particularly described as follows:  
Begin at a found concrete right-of-way monument lying at the intersection of the northerly right-of-way of Highway 278 (A.K.A. Alabama Highway 74)(A.K.A. 4<sup>th</sup> Street)(variable right-of-way) and the westerly right-of-way Donauer Drive (variable right-of-way); thence leaving said intersection run North 88 degrees 13 minutes 08 seconds West along said northerly right-of-way of Highway 278 (A.K.A. Alabama highway 74)(A.K.A. 4<sup>th</sup> Street) for a distance of 638.04 feet to a found rebar with cap; thence leaving said northerly right-of-way run North 00 degrees 23 minutes 09 seconds East for a distance of 1,198.88 feet to a found 1/2" open top pipe; thence run South 88 degrees 39 minutes 20 seconds East for a distance of 664.55 feet to a set 5/8" capped rebar (L.S.C.A. 1186); thence run South 00 degrees 55 minutes 32 seconds West for a distance of 104.48 feet to a set 5/8" capped rebar (L.S.C.A. 1186); thence run South 76 degrees 40 minutes 19 seconds West for a distance of 119.29 feet to a found rebar with cap lying on the aforementioned

westerly right-of-way of Donauer Drive; thence run South 14 degrees 29 minutes 28 seconds East along said right-of-way for a distance of 289.04 feet to a set 5/8" capped rebar (L.S.C.A. 1186), said point lying on a curve to the right, said curve having a radius of 580.30 feet, a central angle of 15 degrees 10 minutes 51 seconds, a chord bearing of South 06 degrees 54 minutes 02 seconds East, and a chord length of 153.30 feet; thence run along the arc of said curve and said right-of-way for a distance of 153.75 feet to a set 5/8" capped rebar (L.S.C.A. 1186); thence run South 00 degrees 41 minutes 22 seconds West along said right-of-way for a distance of 639.14 feet to the Point of Beginning.  
Said parcel contains 753,867 square feet, or 17.306 acres.

within the city limits of Cullman, Alabama, and lying and being in Cullman County, State of Alabama, designated as E-1 Entertainment District on the Zoning Map of the City of Cullman, Alabama, under Ordinances No. 2004-03 and as may be reflected in any comprehensive master plan for the City of Cullman, Alabama, be, and is hereby changed from E-1 Entertainment District to B-3 Business District.

SECTION 2. That this ordinance be published at least once a week for two consecutive weeks in advance of its final passage in a newspaper with general circulation within the City of Cullman, Alabama, the first publication of said notice and ordinance being verbatim and the second publication either verbatim or synopsis, with the last publication being at least 15 days prior to the date set for public hearing and passage of said ordinance.

SECTION 3. That a public hearing be held relative to the passage of this ordinance on the 7<sup>th</sup> day of July, 2023 at noon, at which time interested parties and citizens shall have the opportunity to be heard concerning said ordinance and any changes relating thereto.

SECTION 4. That all notices as required by law be given by the City Clerk concerning said public hearing, and in addition thereto, a certified letter be sent by the Clerk to all contiguous property owners at their last known addresses as shown by the tax records for the City of Cullman, Alabama.

SECTION 5. That upon final passage of this ordinance, all zoning maps, master comprehensive plans or any other documents of the City of Cullman, Alabama, in conflict with this ordinance are hereby changed and amended to reflect the changes and amendments herein.

SECTION 6. Should any part or portion of this ordinance be held invalid, unenforceable or unconstitutional, for whatever reason, by a court of competent jurisdiction, such ruling shall not affect any other part or portion of this Ordinance.

SECTION 7. This ordinance shall take effect and be in force from and after its passage or adoption as required by law, including notice, publication and public hearing, all in accordance with Section 11-52-1, et seq., Code of Alabama 1975, as amended.

ADOPTED BY THE CITY COUNCIL, this the 24th day of July, 2023.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 7th day of July, 2023.

/s/Mayor Woody Jacobs

Council Member Hollingsworth seconded the motion to approve the Ordinance, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council President Pro Tem Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Smith: Aye. Council Member Hollingsworth: Aye.

Council President Jenny Folsom held the second reading of Ordinance No. 2023-27 to rezone the Ergle Property located on Beech Avenue SE from M-1 Manufacturing District to B-2 Business District which received a favorable recommendation from the Planning Commission. Council Member Hollingsworth made a motion to adopt Ordinance No. 2023-27.

**ORDINANCE NO. 2023 - 27**

**AMENDING THE CURRENT ZONING ORDINANCE AND ZONING MAP OF THE CITY OF CULLMAN, ALABAMA, TO RE-ZONE CERTAIN PARCELS OF PROPERTY AS SET FORTH HEREIN**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA, AS FOLLOWS:



SECTION 1. Under the authority of Chapter 52, Articles 1 through 4, Section 11-52-1 through Section 11-52-84, Code of Alabama 1975, as amended, and specifically Sections 11-52-77 and at the request of property owner, the petitioner, the following describe the tract or parcel of land, to-wit:

Property Owner: Mundi L Ergle  
PPIN: 41992. Parcel No.: 17-08-27-1-001-001.000.  
Property Address: Beech Avenue SE.

Legal Description: A tract or parcel of land containing 2.30 acres of land, more or less, and being all that part of the Northeast Quarter of the Northeast Quarter of Section 27, Township 10 South, Range 3 West that is north and east of the L & N Railroad right-of-way and being more particularly described as follows: Commence at a found bar marking the Northeast Corner of said Northeast Quarter of the Northeast Quarter of said Section 27 and run South 89 degrees 58 minutes 17 seconds West and run along the north line a distance of 25.00 feet to a set rebar on the west right-of-way line of Beech Avenue and the point of beginning; thence South 89 degrees 58 minutes 17 seconds West a distance of 340.15 feet to a set rebar on the Northeasterly right-of-way line of L & N Railroad right-of-way and being in a curve to the left having a central angle of 11 degrees 44 minutes 10 seconds a radius of 3141.74 feet and having a chord bearing of South 31 degrees 29 minutes 07 seconds East; thence run along the arc of said curve an arc distance of 643.53 feet to a set rebar on the west right-of-way line of said Beech Avenue; thence North 00 degrees 29 minutes 03 seconds East a distance of 548.01 feet to the point of beginning. Subject to any rights-of-way and/or easements of record.

Source of title: Deed Book 531, Page 748.

According to the survey of Joseph E. Conn, II, AL. Reg. No. 17831 dated the 10th day of October, 2003.

within the city limits of Cullman, Alabama, and lying and being in Cullman County, State of Alabama, designated as M-2 Manufacturing District on the Zoning Map of the City of Cullman, Alabama, under Ordinances No. 2004-03 and as may be reflected in any comprehensive master plan for the City of Cullman, Alabama, be, and is hereby changed from M-2 Manufacturing District to B-2 Business District.

SECTION 2. That this ordinance be published at least once a week for two consecutive weeks in advance of its final passage in a newspaper with general circulation within the City of Cullman, Alabama, the first publication of said notice and ordinance being verbatim and the second publication either verbatim or synopsis, with the last publication being at least 15 days prior to the date set for public hearing and passage of said ordinance.

SECTION 3. That a public hearing be held relative to the passage of this ordinance on the 7<sup>th</sup> day of July, 2023 at noon, at which time interested parties and citizens shall have the opportunity to be heard concerning said ordinance and any changes relating thereto.

SECTION 4. That all notices as required by law be given by the City Clerk concerning said public hearing, and in addition thereto, a certified letter be sent by the Clerk to all contiguous property owners at their last known addresses as shown by the tax records for the City of Cullman, Alabama.

SECTION 5. That upon final passage of this ordinance, all zoning maps, master comprehensive plans or any other documents of the City of Cullman, Alabama, in conflict with this ordinance are hereby changed and amended to reflect the changes and amendments herein.

SECTION 6. Should any part or portion of this ordinance be held invalid, unenforceable or unconstitutional, for whatever reason, by a court of competent jurisdiction, such ruling shall not affect any other part or portion of this Ordinance.

SECTION 7. This ordinance shall take effect and be in force from and after its passage or adoption as required by law, including notice, publication and public hearing, all in accordance with Section 11-52-1, et seq., Code of Alabama 1975, as amended.

ADOPTED BY THE CITY COUNCIL, this the 24th day of July, 2023.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 24th day of July, 2023.

/s/Mayor Woody Jacobs

Council Member Smith seconded the motion to approve the Ordinance, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council President Pro Tem Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Smith: Aye. Council Member Hollingsworth: Aye.

**BOARD APPOINTMENTS**

Council President Pro Tem Cook made a motion to nominate Herman Ruehl, Steve Cartee and Carey Thompson to serve on the Cullman County Board of Equalization. Council Member Moss seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council President Folsom asked for a motion to adjourn. Council Member Smith made the motion to adjourn. Council Member Hollingsworth seconded the motion, and the meeting was adjourned at 7:32 p.m. by a voice vote. Ayes: All. Nays: None.